

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GUILLERMO L. COLOCHO,

Plaintiff,

vs.

Civ. No. 00-644 WWD/DJS

THE PAUL REVERE LIFE INSURANCE COMPANY,

Defendant.

MEMORANDUM OPINION AND ORDER

In this lawsuit, Plaintiff, a physician, maintains that Defendant, acting in breach of their contractual relationship and in bad faith, has failed or refused to pay certain disability benefits under an individual disability insurance policy purchased by Plaintiff from Defendant. The Defendant's Motion for Trifurcation [docket no. 43] seeks an order breaking the trial of this case into three stages; namely, the action for breach of the disability insurance contract; the common law bad faith claim, and any other extra-contractual claims including exemplary damages, if any; and, finally, the amount of exemplary damages. Defendant argues that dividing the trial as set forth above would lead to judicial economy as well as protecting Defendant from such prejudice as might arise from having the evidence in the various causes of action presented during one trial.

Because of the nature of the particular claims in this lawsuit, much of the evidence pertaining to different claims will come from the same witnesses. Necessarily, there will also be overlaps in the information required in proving the different claims. At trial, I may defer admitting any evidence as to Defendant's net worth until such time as a prima facie case permitting punitive

damages has been presented. I believe that a few carefully selected interrogatories on the verdict form plus the instructions of the Court will provide Defendant sufficient protection from any possible prejudice arising from having all matters heard in one trial.

WHEREFORE,

IT IS ORDERED that Defendant's Motion for Trifurcation [43] be, and it is hereby,
DENIED.


UNITED STATES MAGISTRATE JUDGE